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5 UNITED STATES DISTRICT COURT
6 WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 UNITED STATES OF AMERICA,

9 Plaintiff,

v.

10 ELAINE GIBNEY,

11 Defendant.

CASE NO. C14-5969 BHS

ORDER DENYING
DEFENDANT'S
APPLICATION/OBJECTIONS

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13 This matter comes before the Court on Defendant Elaine Gibney's ("Gibney")
14 application for writ of garnishment. Dkt. 29.

15 On July 16, 2015, the Court granted the Government's motion for a continuing
16 garnishee order for non-wages. Dkt. 27. The order required Garnishee Fidelity
17 Investments to continually make payments to the Court from Gibney's retirement
18 account. *Id.* On March 12, 2018, Gibney filed the instant application contesting the
19 Government's withdrawals in 2015 on the basis that the Government failed to properly
20 account for taxes. Dkt. 29. Such failure, Gibney argues, has left Gibney with additional
21 IRS debt in excess of \$56,000. *Id.*
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1 On March 26, 2018, the Government responded arguing that the application fails
2 for at least two reasons. Dkt. 30. First, the Government argues that Gibney's objections
3 are untimely because objections must be made within 20 days from service of the writ of
4 garnishment. *See* 28 U.S.C. § 3202(d). The Court agrees that Gibney's objections are
5 untimely.

6 Second, the Government argues that it withheld a sufficient amount for taxes. The
7 Government claims that the statutory minimum withholding is 20% and that it withheld
8 approximately 25% of the proceeds for taxes. Dkt. 30 at 4–5. The Court agrees that,
9 even if it addressed the merits, Gibney has failed to show that the Government committed
10 any error in withholding taxes. Therefore, the Court **DENIES** Gibney's
11 application/objections.

12 **IT IS SO ORDERED.**

13 Dated this 17th day of April, 2018.

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16 BENJAMIN H. SETTLE
17 United States District Judge
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